

RECEIVED

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

2017 JUN 21 P. 42  
DEBRA N. HACKETT, CLK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

EDWARD C. STEGALL and  
DELILAH N. STEGALL,

*Plaintiffs,*

vs.

DIDRIC L. DUKES, and ARKO  
VEAL COMPANY, INC., a Georgia  
Corporation,

*Defendants.*

CASE NO.:

1:17-cv-402-WKW-SRW

JURY TRIAL DEMANDED

COMPLAINT

COME NOW the Plaintiffs in the above-styled cause, EDWARD C. STEGALL and DELILAH N. STEGALL, and as a basis for the relief hereinafter demanded, say as follows; to-wit:

NATURE OF THE ACTION

1. This is an action for personal injuries resulting from a motor vehicle accident that occurred on July 30, 2015 on U. S. Highway 431 at or near the intersection of County Road 99 (East Main Street) in Headland, Henry County, Alabama. Plaintiffs seek compensatory and punitive damages.

### **PARTIES**

2. **EDWARD C. STEGALL** is an individual over the age of majority and at all times relevant to the allegations made in this Complaint was a citizen of Abbeville, Henry County, Alabama.

3. **DELILAH N. STEGALL** is an individual over the age of majority and at all times relevant to the allegations made in this Complaint was a citizen of Abbeville, Henry County, Alabama.

4. Defendant, **DIDRIC L. DUKES**, is an individual over the age of majority and at all times relevant to the allegations made in this Complaint was a citizen of Kennesaw, Cobb County, Georgia.

5. Defendant, **ARKO VEAL COMPANY, INC.**, is a corporation organized and existing under the laws of the State of Georgia with its principle place of business in Forest Park, Clayton County, Georgia. The Defendant's corporate address is 406 Main Street, Forest Park, Georgia, 30297.

### **JURISDICTION AND VENUE**

6. This Court has jurisdiction of this cause pursuant to 28 U.S.C. §1332(a) because the matter in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs, and is a dispute between citizens of different States.

7. Venue is proper in the Middle District of Alabama, Southern Division, pursuant to 28 U.S.C. §1391(a) as a substantial part of the events or omissions giving rise to the Plaintiffs' claims occurred in Headland, Henry County, Alabama within this district.

**COUNT ONE**

8. Plaintiff, **DELILAH N. STEGALL**, adopts and incorporates Paragraphs One through Seven of this Complaint as if fully set out herein.

9. On July 30, 2015, the Plaintiff, **DELILAH N. STEGALL**, was operating a 2002 Chevrolet Silverado pickup truck on U.S. Highway 431 at the intersection of County Road 99 (East Main Street) in Headland, Henry County, Alabama. At the time of the accident at issue, the Plaintiff's vehicle was stopped for a traffic light (red light) in the left hand lane of U.S. Highway 431 at the intersection of County Road 99 (East Main Street). U.S. Highway 431 is a public highway in Headland, Henry County, Alabama.

10. At the aforesaid time and place, the Plaintiff, **DELILAH N. STEGALL**, was injured when the stopped vehicle she was operating was rear-ended by a 2015 Freightliner M2 commercial truck being operated by Defendant, **DIDRIC L. DUKES**.

11. On July 30, 2015, the Defendant, **DIDRIC L. DUKES**, was the authorized agent, employee or servant of Defendant, **ARKO VEAL COMPANY, INC.**, and was engaged in the regular course and scope of his employment by and for the Defendant, **ARKO VEAL COMPANY, INC.**, at the time of the accident at issue.

12. At the aforesaid time and place, the Plaintiff, **DELILAH N. STEGALL**, was injured when the stopped vehicle she was operating was rear-ended by the 2015 Freightliner M2 commercial truck being operated by Defendant, **ARKO VEAL COMPANY, INC.**'s authorized agent, **DIDRIC L. DUKES**.

13. On said date and at said place, the Defendant, **ARKO VEAL COMPANY, INC.**, by and through its authorized agent and/or employee, Defendant, **DIDRIC L. DUKES**, so negligently and/or wantonly operated its 2015 Freightliner M2 commercial truck so as to cause or allow it to rear-end the lawfully stopped vehicle being operated by Plaintiff, **DELILAH N. STEGALL**, and such negligent and/or wanton conduct of said Defendants was a proximate cause of Plaintiff's injuries and damages hereinafter described.

14. As a proximate result of the aforesaid negligent and/or wanton conduct of the Defendants, **DIDRIC L. DUKES**, and **ARKO VEAL COMPANY, INC.**, the Plaintiff, **DELILAH N. STEGALL**, suffered the following injuries and damages; to-wit:

Plaintiff, Delilah N. Stegall, sustained serious and severe injuries to her body and/or suffered the aggravation or exacerbation of a pre-existing condition. Plaintiff was caused to undergo medical treatment in and about an effort to cure her injuries and damages; and, as a result of her injuries will be caused to undergo doctor, hospital and medical treatment in the future. She has suffered and continues to suffer great physical pain and mental anguish and will so suffer in the future; she has been caused to suffer much mental and emotional strain and will so suffer in the future; she has sustained a permanent partial disability and impairment to her body as a result of her injuries. Plaintiff was permanently injured and damaged as a result of her injuries and will remain permanently injured in the future; and, was otherwise injured and damaged. Plaintiff has been caused to expend great sums of money for doctor, hospital, drug and therapy treatment in and about an effort to cure her injuries and damages and upon information and belief will be caused to expend great sums of money in the future for hospital, doctor, drug and therapy treatment and is entitled to recover the same. Plaintiff, Delilah N. Stegall, seeks compensation for all of her hereinabove enumerated personal injuries and damages.

**WHEREFORE**, Plaintiff, **DELILAH N. STEGALL**, demands judgment against the Defendants, **DIDRIC L. DUKES** and **ARKO VEAL COMPANY, INC.**, jointly and

severally, for compensatory and punitive damages in such amount as the jury may assess, plus costs.

**COUNT TWO**

15. Plaintiff, **EDWARD C. STEGALL**, adopts and incorporates Paragraphs One through Fourteen of this Complaint as if fully set out herein.

16. On July 30, 2015, the Plaintiff, **EDWARD C. STEGALL**, was a passenger in a 2002 Chevrolet Silverado pickup truck being operated by his wife, **DELILAH N. STEGALL**, on U.S. Highway 431 at the intersection of County Road 99 (East Main Street) in Headland, Henry County, Alabama. At the time of the accident at issue, the Plaintiff's vehicle was stopped in the left hand lane of U.S. Highway 431 at the intersection of County Road 99 (East Main Street). U.S. Highway 431 is a public highway in Headland, Henry County, Alabama.

17. At the aforesaid time and place, the Plaintiff, **EDWARD C. STEGALL**, was injured when the stopped vehicle he was occupying was rear-ended by a 2015 Freightliner M2 commercial truck being operated by Defendant, **DIDRIC L. DUKES**.

18. On July 30, 2015, the Defendant, **DIDRIC L. DUKES**, was the authorized agent, employee or servant of Defendant, **ARKO VEAL COMPANY, INC.**, and was engaged in the regular course and scope of his employment by and for the Defendant, **ARKO VEAL COMPANY, INC.**, at the time of the accident at issue.

19. At the aforesaid time and place, the Plaintiff, **EDWARD C. STEGALL**, was injured when the stopped vehicle he was occupying was rear-ended by the 2015

Freightliner M2 commercial truck being operated by Defendant, **ARKO VEAL COMPANY, INC.**'s authorized agent, **DIDRIC L. DUKES**.

20. On said date and at said place, the Defendant, **ARKO VEAL COMPANY, INC.**, by and through its authorized agent and/or employee, Defendant, **DIDRIC L. DUKES**, so negligently and/or wantonly operated its 2015 Freightliner M2 commercial truck so as to cause or allow it to rear-end the lawfully stopped vehicle being occupied by Plaintiff, **EDWARD C. STEGALL**, and such negligent and/or wanton conduct of said Defendants was a proximate cause of Plaintiff's injuries and damages hereinafter described.

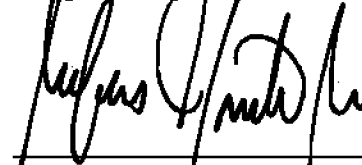
21. As a proximate result of the aforesaid negligent and/or wanton conduct of the Defendants, **DIDRIC L. DUKES**, and **ARKO VEAL COMPANY, INC.**, the Plaintiff, **EDWARD C. STEGALL**, suffered the following injuries and damages; to-wit:

Plaintiff, Edward C. Stegall, sustained serious and severe injuries to his body and/or suffered the aggravation or exacerbation of a pre-existing condition. Plaintiff was caused to undergo medical treatment in and about an effort to cure his injuries and damages; and, as a result of his injuries will be caused to undergo doctor, hospital and medical treatment in the future. He has suffered and continues to suffer great physical pain and mental anguish and will so suffer in the future; he has been caused to suffer much mental and emotional strain and will so suffer in the future; he has sustained a permanent partial disability and impairment to his body as a result of his injuries. Plaintiff was permanently injured and damaged as a result of his injuries and will remain permanently injured in the future; and, was otherwise injured and damaged. Plaintiff has been caused to expend great sums of money for doctor, hospital, drug and therapy treatment in and about an effort to cure his injuries and damages and upon information and belief will be caused to expend great sums of money in the future for hospital, doctor, drug and therapy treatment and is entitled to recover the same. Plaintiff, Edward C. Stegall, seeks compensation for all of his hereinabove enumerated personal injuries and damages.

**WHEREFORE**, Plaintiff, **EDWARD C. STEGALL**, demands judgment against the Defendants, **DIDRIC L. DUKES and ARKO VEAL COMPANY, INC.**, jointly and severally, for compensatory and punitive damages in such amount as the jury may assess, plus costs.

This the \_\_\_\_ day of June, 2017.

Respectfully submitted,



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**JURY DEMAND**

**Plaintiffs demand a jury trial on all issues in this action.**

  
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Rufus R. Smith, Jr. (SMI060)  
Attorney for Plaintiff

**REQUEST FOR SERVICE BY CERTIFIED MAIL**

Plaintiffs request service of the Summons and Complaint on Defendant by certified mail pursuant to Rule 4.1 of the *Federal Rules of Civil Procedure*.

  
\_\_\_\_\_  
Of Counsel

**SERVE DEFENDANTS BY CERTIFIED MAIL AT:**

Didric L. Dukes  
1969 Lake Heights Circle NW  
Kennesaw, Georgia 30152

Arko Veal Company, Inc.  
406 Main Street  
Forest Park, Georgia 30297